IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc. No.48480-M of 2006
Date of Decision:- 27.11.2007

Manjit Kaur and others ....Petitioner(s)

through
Mr.B.S.Bhalla, Advocate

vs.

State of Punjab ....Respondent(s)

through
Mr.Rajesh Bhardwaj, DAG, Punjab.

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CORAM:-HON'BLE MR.JUSTICE SURYA KANT.

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1) Whether Reporters of the local papers may be allowed to see the judgment?
2) To be referred to the Reporters or not?
3) Whether the judgment should be reported in the Digest?

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SURYA KANT, J. (ORAL)

After arguing the case for some time, learned counsel for the petitioners seeks permission to withdraw this petition with liberty to raise all the contentions before the learned trial Court at an appropriate stage. He, however, submits that having regard to the nature of allegations and the fact that the petitioners are women folk and some of them are of old age, their personal appearance before the learned trial Court may be exempted.

In view of the fair stand taken by learned counsel for the petitioners, this petition is dismissed as withdrawn with liberty to the petitioners to raise their respective contentions before the learned trial Court at an appropriate stage. In the peculiar facts and circumstances, petitioners No.1 to 4 and 6 to 7, if so advised, may move an application before the learned trial Court to grant them exemption from personal appearance and if any such application is moved by them after the issue

regarding framing of charges is decided, the learned trial Court shall grant them exemption, however, subject to the further conditions that they:-(i) shall be represented through counsel; (ii) shall not delay/stall the trial proceedings; (iii) shall not dispute their identity as accused; (iv) shall have no objection if the prosecution evidence is recorded in their absence but in the presence of their counsel; (v) shall appear before the learned trial Court as and when directed by the learned trial Court; and (vi) any other condition which the learned trial Court may impose.

November 27, 2007 **(SURYA KANT)**
poonam **JUDGE**